

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 371 of 2016**

- Zafar Rashid Khan S/o Shri Kamar Rashid Khan Aged About 46 Years  
R/o Durga Nagar, Kohka, Bhilai, Distt. Durg Chhattisgarh. - **Petitioner**

**Versus**

1. Harjinder Singh, S/o Khel Singh R/o City Kotwali, Rajnandgaon, Distt.  
Rajnandgaon Chhattisgarh.
2. State of Chhattisgarh Through Collector, Durg Chhattisgarh. ---  
**Respondents**

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|---------------------|---|---------------------------------|
| For the applicant   | : | Mrs. Fouzia Mirza, Advocate     |
| For the Respondent  | : | Mr. Anupam Dubey, Dy.Govt. Adv. |
| For the complainant | : | Mr. Mandeep Singh, Advocate.    |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**24.08.2016**

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Criminal Case No.2584/2013 registered at P.S. Durg (CG) for the offence punishable under Sections 420, 467, 468, 471, 120-B of IPC.
2. As per the prosecution case, the land situated at village Kohka which belonged to complainant Harjinder Singh was sold by one Jaswinder Kaur by personifying herself as Manjeet Kaur, the sister of Harjinder Singh and also acted as power of attorney holder for Harjinder Singh and the sale was executed on 13.02.2016 with the help of co-accused Bhagwat Prasad Gupta and Deepesh Kumar Jain. Bhagwat Prasad Gupta and Deepesh Kumar Jain who have purchased the land. It is alleged that the applicant as a witness has signed the sale deed and in connivance with other seller and purchasers has executed the sale deed on the basis of forged

document.

3. Learned counsel for the applicant would submit that the applicant is a property dealer and as such he signed the sale deed as a witness and he was not in know of the fact that Manjeet Kaur is not the owner of the said land. It is further submitted that the applicant was not signatory to the power of attorney which was alleged to be executed by Harjinder Singh. Therefore, the applicant has not committed any forgery or offence and he may be enlarged on bail.
4. Per contra, learned State Counsel as also learned counsel for the objector vehemently opposes the bail.
5. Learned counsel for the objector would submit that the statement of Deepesh Kumar would show that an amount of Rs.5,34,800/- was paid to Manjeet Kaur and the present applicant and it was stated by the applicant that the owner of the land is only Manjeet Kaur. He further submits that the power of attorney was forged, consequently it cannot be stated that the applicant was not involved in the crime.
6. Perused the document filed alongwith the petition and also the statement of Harjinder Singhs, Deepesh Kumar Jain and Vinod Agrawal.
7. Taking into the statements of purchaser Deepesh Kumar Jain wherein he stated that the part of the sale consideration was passed on to the present applicant and further considering the statement of complainant Harjinder, it is not a case where the benefit of section 438 Cr.P.C., can be extended to the applicant. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI  
JUDGE**